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16
17 **UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

18 CITY OF SPOKANE, a municipal
corporation, located in the County of
19 Spokane, State of Washington,

20 Plaintiff,

21 v.

22 MONSANTO COMPANY, SOLUTIA
INC., and PHARMACIA
23 CORPORATION, and DOES 1 - 100,

24 Defendants.

Case No. 15-cv-00201-SMJ

Declaration of Geana Van Dessel Re:
Defendants' Opposition to Plaintiff's
Daubert Motions

1 Geana M. Van Dessel declares and states under penalty of perjury:

2 1. I am over the age of 18 and competent to be a witness herein. I am an
3 attorney for Defendants Pharmacia LLC, Monsanto Company, and Solutia Inc.
4 (collectively, "Defendants") in this matter. Except where indicated otherwise, I
5 make this declaration based on my own personal knowledge and the books and
6 records of my firm Kutak Rock LLP.

7 2. **Exhibit 1** includes true and correct copies of the excerpts of the
8 deposition transcript of deposition testimony of David O. Carpenter, M.D., taken
9 on December 17, 2015, in the matter of *Edwin Spirer, et al. v. Monsanto Company,*
10 *et al.*, Case Number 12SL-CC01263, at the Hilton Albany, 40 Lodge Street,
11 Albany, New York, before Notary Public Dana Welch. Exhibit 1 includes the
12 following pages from the transcript: 1-2; 275-276; 278.

13 3. **Exhibit 2** includes true and correct copies of the excerpts of the
14 deposition transcript of deposition testimony of Lisa A. Rodenburg, Ph. D., taken
15 on June 14, 2019, in the matter of *San Diego Unified Port District, et al. v.*
16 *Monsanto Company, et al.*, Case Number 3:15-cv-00578-WQH-AGS, at the offices
17 of Kelley Drye & Warren, LLP, One Jefferson Road, Parsippany, New Jersey,
18 before Notary Public Mary F. Bowman. Exhibit 2 includes the following pages
19 from the transcript: 1-10; 26; 39-44; 193.

20 4. **Exhibit 3** is a true and correct copy of the article Frame et al.,
21 Complete PCB Congener Distributions for 17 Aroclor Mixtures Determined by 3
22 HRGC Systems Optimized for Comprehensive, Quantitative, Congener-Specific
23 Analysis, J. High Resol. Chromatogr., Vol. 19 (December 1996).

24

1 5. **Exhibit 4** includes true and correct copies of the excerpts of the
2 deposition transcript of deposition testimony of Lisa A. Rodenburg, Ph. D., taken
3 on December 18, 2019, in the matter of *City of Spokane v. Monsanto Company, et*
4 *al.*, in this captioned matter, at Shook Hardy & Bacon, 2001 Market Street, Suite
5 3000, Philadelphia, Pennsylvania, before Notary Public Debra Sapio Lyons.
6 Exhibit 4 includes the following pages from the transcript: 1-8; 36; 43; 51; 71-73;
7 127-133; 138-142; 172-173; 187-188; 289-292; 295-296.

8 6. **Exhibit 5** is a true and correct copy of the article Rodenburg *et al.*,
9 Polychlorinated biphenyls in pigments: inadvertent production and environmental
10 significance, *COLORA. TECHNOL.*, Vol. 131 (June 2015).

11 7. **Exhibit 6** is a true and correct copy of State of Washington
12 Department of Ecology, Polychlorinated Biphenyls in Consumer Products,
13 Publication No. 16-04-014 (November 2016), identified as Defendants' Trial
14 Exhibit DX_22456 with Bates SPO_DEFEXP-KH-00001551 - 1611.

15 8. **Exhibit 7** is a true and correct copy of the article Fagervold *et al.*,
16 Microbial Reductive Dechlorination of Aroclor 1260 in Baltimore Harbor
17 Sediment Microcosms Is Catalyzed by Three Phylotypes within the Phylum
18 *Chloroflexi*, *APPLIED and ENVIRONMENTAL MICROBIOLOGY*, Vol. 73, No.
19 9 (May 2007).

20 9. **Exhibit 8** is a true and correct copy of the article Rodenburg *et al.*,
21 Microbial Dechlorination of Polychlorinated Biphenyls, Dibenzo-p-dioxins, and –
22 furans at the Portland Harbor Superfund Site, Oregon, USA, *Environ. Sci.*
23 *Technol.*, 2015.

1 10. **Exhibit 9** is a true and correct copy of an excerpt from the book
2 Saltelli et al., *Global Sensitivity Analysis - The Primer*. Wiley, New York (2008).

3 11. **Exhibit 10** is a true and correct copy of LimnoTech's May 20, 2015
4 report entitled, "Spokane River Regional Toxics Task Force Phase 2 Technical
5 Activities Report," identified as Defendants' Trial Exhibit DX_22201 with Bates
6 SPO_DEFEXP-KH-00032427 - 32462.

7 12. **Exhibit 11** includes true and correct copies of the excerpts of the
8 deposition transcript of deposition testimony of Kevin M. Coghlan, taken on
9 October 30, 2019, in this captioned matter, at the offices of Environmental Health
10 & Engineering, 180 Wells Avenue, Newton, Massachusetts, before Notary Public
11 Janet M. Sambataro. Exhibit 11 includes the following pages from the transcript:
12 1-2; 241-243; 286.

13 13. **Exhibit 12** is a true and correct copy of Davies & Delistraty,
14 Evaluation of PCB sources and releases for identifying priorities to reduce PCBs in
15 Washington State (USA), ENVIRON. SCI. POLLUT. RES., 2016. It is identified
16 as Defendants' Trial Exhibit DX_22166.0001 - .0019, with Bates SP_DEFEXP-
17 KH-00051114-51132.

18 14. **Exhibit 13** is a true and correct copy of the article Guo *et al.*, Global
19 Distribution and Local Impacts of Inadvertently Generated Polychlorinated
20 Biphenyls in Pigments, ENVIRON. SCI. TECHNOL., 2014. It is identified as
21 Defendants' Trial Exhibit DX_22132.0001 -.0025, with Bates SPO_DEFEXP-KH-
22 00002170 - 2194.

1 15. **Exhibit 14** is a true and correct copy of the article Vorkamp, Katrin,
2 An overlooked environmental issue? A review of the inadvertent formation of
3 PCB-11 and other PCB congeners and their occurrence in consumer products and
4 in the environment, *Science of the Total Environment* 541 (2016). It is identified
5 by Defendants' Trial Exhibit DX_23001.0001 - 14, with Bates DEFEXP-MR-
6 000003978 – 3391.

7 16. **Exhibit 15** is a true and correct copy of a presentation of Lisa
8 Rodenburg entitled, Inadvertent PCBs: An Introduction, for the Spokane River
9 Regional Toxics Task Force, dated October 8-9, 2019 in Spokane, Washington.

10 17. **Exhibit 16** includes true and correct copies of the excerpts of the
11 deposition transcript of deposition testimony of Lars Henderson, taken on June 7,
12 2019, in this captioned-matter at the offices Kutak Rock LLP, 510 W, Riverside
13 Avenue, Suite 800, Spokane, Washington, before Notary Public Monna J.
14 Nickeson. Exhibit 16 includes the following pages from the transcript: 1-4; 346;
15 373-377.

16 18. **Exhibit 17** is a true and correct copy of the article, Where the
17 Spokane River's Pollution Comes From, *The Spokesman-Review*, dated September
18 16, 2009.

19 19. **Exhibit 18** includes true and correct copies of the excerpts of the
20 deposition transcript of deposition testimony of John D. Schell, taken on July 25,
21 2019, in the matter of *San Diego Unified port District, et al. v. Monsanto*
22 *Company, et al.*, Case Number 3:15-cv-00578-WQH-AGS, at White and Williams,
23 LLP, 1650 Market Street, One Liberty Place, Suite 1800, Philadelphia,
24

1 Pennsylvania, before Notary Public Amy A. Rivera. Exhibit 18 includes the
2 following pages from the transcript: 1-3; 135-136; 167.

3 20. **Exhibit 19** includes true and correct copies of the excerpts of the
4 deposition transcript of deposition testimony of John D. Schell, taken on December
5 11, 2019, in this captioned matter, at Shook Hardy & Bacon, 2001 Market Street,
6 Suite 3000, Philadelphia, Pennsylvania, before Notary Public Debra Sapio Lyons.
7 Exhibit 19 includes the following pages from the transcript: 1-2; 70-71; 117-118;
8 222.

9 21. **Exhibit 20** includes true and correct copies of the excerpts of the
10 deposition transcript of deposition testimony of John D. Schell, taken on January
11 11, 2018, in the matter of *City of Hartford, et al. v. Monsanto Company, et al.*,
12 Case Number 3:15-cv-01544 (RNC) captioned matter, at Latham & Watkins, LLP,
13 811 Main Street, Suite 3700, Huston, Texas, before Notary Public Julie
14 Scarborough. Exhibit 20 includes the following pages from the transcript: 1-3; 17;
15 108; 180-181.

16 22. **Exhibit 21** includes true and correct copies of the excerpts of the
17 deposition transcript of deposition testimony of James R. Olson, taken on June 25,
18 2019, in the matter of *San Diego Unified Port District, et al. v. Monsanto*
19 *Company, et al.*, Case Number 3:15-cv-00578-WQH-AGS, at Embassy Suites, 200
20 Delaware Avenue, Buffalo, New York, before Notary Public Michelle M. Rocha,
21 Exhibit 21 includes the following pages from the transcript: 1-5; 70-77; 286.

22 23. **Exhibit 22** includes true and correct copies of the excerpts of the
23 deposition transcript of deposition testimony of John P. Woodyard, taken on
24

1 January 17, 2020, in this captioned matter, at Shook Hardy & Bacon L.L.P., 2001
2 Market Street, Suite 3000, Philadelphia, Pennsylvania, before Notary Public Debra
3 Sapio Lyons. Exhibit 22 includes the following pages from the transcript: 1; 44-49;
4 149-154; 163-166; 170.

5 24. **Exhibit 23** is a true and correct copy of Plaintiff ALCOA's
6 Memorandum of Law in support of its *Daubert* Motion to Exclude Certain
7 Testimony of John Woodyard, *ALCOA, Inc. v. Alcan Rolled Products-Ravenswood*
8 *LLC, et al.*, Case Number 1:06-cv-00451-JFB-SRF (D. Del., July 31, 2019).

9 25. **Exhibit 24** is a true and correct copy of Memorandum and Order of
10 Senior U.S. District Judge Joseph F. Bataillon, *ALCOA, Inc. v. Alcan Rolled*
11 *Products-Ravenswood LLC, et al.*, Case Number 1:06-cv-00451-JFB-SRF (D. Del.,
12 January 28, 2020).

13
14 I declare under penalty of perjury of the law of the United States that the
15 foregoing is true and correct to the best of my knowledge. Signed this 11th day of
16 February 2020 at Spokane, Washington.

17
18 By: s/ Geana M. Van Dessel
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24 Geana.VanDessel@KutakRock.com

CERTIFICATE OF SERVICE

I certify that on February 11, 2020, I caused the foregoing Declaration to be electronically filed with the clerk of the Court using the CM/ECF System which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

s/ Geana M. Van Dessel

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